

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WALTER BOWIE,	:	
Petitioner	:	CIVIL NO. 4:05-CV-2652
v.	:	
	:	(Judge McClure)
U.S. JUSTICE DEPARTMENT,	:	
CAMERON LINDSAY, Warden,	:	
& EDWARD F. REILLY, JR.,	:	
Parole Commissioner,	:	
Respondents	:	

ORDER

April 23, 2007

BACKGROUND:

On December 22, 2005, the *pro se* petitioner, currently incarcerated in the United States Penitentiary Canaan at Waymart, Pennsylvania, filed his habeas corpus petition. He asserts that his Fifth Amendment Due Process Rights had been violated as a result of respondents' failure to execute or withdraw a parole violation warrant lodged against him. Petitioner seeks an order quashing the warrant. On April 3, 2006, respondents submitted a response, to which petitioner filed a traverse on April 21, 2006.

The habeas petition was initially referred to United States Magistrate Judge Malachy E. Mannion.

On March 14, 2007, the respondents filed a notice of mootness, advising the

court that the Parole Commission had executed the warrant and the petitioner had a revocation hearing on the warrant on December 19, 2006. On April 2, 2007, United States Magistrate Judge Malachy E. Mannion issued his report and recommendation, recommending that the matter be dismissed as moot. Petitioner has not filed any objections to the magistrate judge's report and recommendation.

DISCUSSION:

A district court reviews de novo those portions of a magistrate judge's report and recommendation to which a party objects. L.R. 72.3. The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

We will adopt the magistrate judge's report and recommendation in full. We agree with the magistrate judge's finding that the matter is moot, a finding which petitioner does not challenge.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Malachy E. Mannion's Report and Recommendation is adopted in full. (Rec. Doc. No. 13.)

2. Plaintiff's petition for writ of habeas corpus is dismissed as moot.
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge